

USSN 09/781,793
Amendment Responsive to Office Action of December 16, 2003
April 16, 2004
A-1714

REMARKS

The specification has been amended, claims 1, 8, 9, 11, 15, 18, 24-26, 32, and 37-39 have been amended, and new claims 40-42 have been added. Accordingly, claims 1-42 are pending.

Regarding the objection to the drawings, a review of the specification reveals that the mention of reference numeral 90 is in error. The specification has thus been amended to properly reference the slots 51 and 57. The other objections to the specification have also been addressed and corrected. Applicant appreciates the Examiner's notation of these informalities.

Applicant also appreciates the Examiner's indication that claims 5, 9, 26, and 39 are objected to and would be allowable if rewritten in independent form. However, it is not at present deemed necessary to amend the claims to such independent form, for reasons that will become clear below.

The remaining claims have all been rejected as being either anticipated or obvious over the Goble et al. '397 patent. This patent was discussed at length in the specification at page 6, line 27 to page 7, line 10. As noted therein, the disclosure regarding the Fig. 23 embodiment, applied by the Examiner, is difficult to understand, and it is not seen by Applicant that the embodiment would function as described.

Claim 1 has now been amended to recite an actuator other than the length of suture for moving the suture locking plug. In the Goble et al. patent embodiment applied by the Examiner, it is the suture tension (force D) which ostensibly moves the locking ball in place to lock the suture. In contrast, as seen in Figs. 7A and 8A of the present application, for example, it is the actuation shaft 64 which moves the suture locking plug 62 of the present invention, as claimed. There is no disclosure in the Goble et al. patent which would obviate making such a change to the Fig. 23 embodiment thereof, short of the employment of hindsight reconstruction with reference to Applicant's disclosure. The same type of amendment has been made to independent claims 15 and 24. Thus, all of the claims 1-31 should now be in condition for allowance for at least this reason.

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The independent method claim 32 is clearly patentable over the Fig. 23 embodiment of Goble et al., since the Fig. 23 embodiment of Goble et al. clearly contemplates a single length of suture 27 rather than a loop of suture wherein both free ends are looped around the suture pulley, as particularly claimed. Moreover, dependent claim 38 particularly recites an actuator for moving the suture plug, and is thus also clearly patentable over the Goble et al. patent.

New independent claim 42 recites a unique device wherein the recited suture locking plug moves from a first position distal of the suture pulley to a second position proximal of the suture pulley. Clearly, this combination is patentable over Goble et al.

In view of the foregoing amendments and remarks, Applicants respectfully submit that each of the pending claims are allowable over the prior art of record, and an early notification of allowance is earnestly solicited. The Examiner is requested to contact the undersigned at the number below, should any further questions or issues need to be resolved.

Respectfully submitted,



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